REMARKS

This Amendment is in response to the Office Action mailed January 23, 2007. Claims

33-36, 41-49, 54-57, and 59-71 were pending. In the Office Action, the Examiner rejected

claims 33-36, 41-49, 54-57 and 59-62 under 35 U.S.C. § 102, and rejected claims 63-71 under 35

U.S.C. § 103. In this response, claim 61 has been amended. No claims have been added or

canceled. Reconsideration in light of the amendments and remarks made herein is respectfully

requested.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 33-36, 41-49, 54-57 and 59-62 under 35 U.S.C. § 102(b) as

being anticipated by Anderson (U.S. 6,636,259).

Anderson describes a system where cameras are associated with an entity so that

pictures from entity camera can be uploaded onto an entity specific website maintained

by an online photo-sharing service (Anderson, Column 3, line 25 to Column 4, line 67;

Abstract). Account information is generated by a server and stored on the camera so that

a user need not later enter account information when accessing a website hosting the

user's digital images (Anderson, Column 10, lines 37-47; Column 11, lines 20-27). For

requests to upload images, account information is transmitted with the digital images to a

gateway server. After matching the account information with an account, the images

then uploaded via the gateway server and stored in a database (Anderson, Figures 1 and

4A-4B).

With respect to claims 33-36 and 41-49, the Applicants claim:

A system facilitating uploading of digital images from a digital camera, the
system comprising:
a Web site for hosting said digital images captured by the digital camera;

a transport mechanism for uploading the digital images from the digital camera to a user account at the Web site, said user account being pre-provisioned for the digital camera;

a module for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account and thereafter providing on-line access to the digital images, without requiring a user to manually set up the user account;

a provisioning information module that generates a unique device ID that is used by an accounting management module for associating the digital images with a particular cellular phone device used by the digital camera to upload digital images; and

<u>a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device.</u>

(Emphasis Added)

Applicants respectfully submit that Anderson fails to describe "a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device" as claimed by the Applicants.

The Examiner asserts that Anderson teaches "a buffered image storage module to temporarily store the digital images during uploading"(*See* Office Action, mailed January 23, 2007, page 3 *citing* Anderson, column 4, lines 24-46). In that passage Anderson recites:

> The gateway server 18, which communicates with the cameras 14 during image uploading, receives one or more entity IDs 28 from each camera 14 and matches the entity ID 28 with an entity account 30 in the database 20. The images are then automatically associated with the photo-sharing website 22 of the identified entity 12 and/or the identified user.
>
> After the images are uploaded, a user of the camera 14 may visit the online photo-sharing website 22 over the Internet to view the images via a web browser 24. Since the photo-sharing websites 22 are transparently hosted by the photo-sharing service 16, each photo-sharing website 22 appears as though it is hosted by the entity itself, rather than the third party service.
>
> In one embodiment, the cameras 14 may connect to the Internet via a service

provider 26, which may include a wireless carrier and/or an Internet service
provider (ISP) that is capable of servicing many devices simultaneously. In a
preferred embodiment, each of the cameras 14 is provided with wireless
connectivity for connecting to the Internet, and are therefore so called "web-
enabled" devices, although a wired connection method may also be used.

The Applicants respectfully submit that they are unable to find any indication within the passage

of Anderson, or any other part of Anderson that teaches or suggests temporarily storing images

during uploading. Furthermore, even if Anderson were to temporarily store images during

uploading, there is no indication that the Gateway Server of Anderson would provide the

temporary storage. Rather, Anderson merely describes the Gateway Server as an interface

between web-enabled camera devices and the photosharing storage services of Anderson.

Arguendo, even if the gateway server described by Anderson stored images during the

upload process to the photosharing service, the storage does not occur until after a username,

password, and camera identification data has been received and verified by the gateway server

(*See* Anderson, figure 2, elements 58-60; figures 4A-4B, elements 120-132).

The Examiner further states:

"After taking pictures with the camera in step 102, the user may review the
images in the camera's LCD screen and optionally select a set of images to upload
to the photo sharing service 16 in step 104. The user then presses a 'send' button
on the camera in step 106 to upload the images" (see col. 9, lines 60-67).
Apparently, the uploading and temporary storing process is happened prior the
account information is received and validated and prior to associating the digital
images with a particular cellular phone device.

(Office Action, mailed January 23, 2007, page 3, Emphasis Added)

The Applicants respectfully disagree, however, and submit that Anderson discloses exactly the

opposite. Anderson recites:

Continuing with FIG. 4B, **the gateway server 18 uses the unique camera
information to set up a user account 40 in step 122**. After creating the user
account 40, the gateway server 18 returns an information packet to the camera
containing new ISP information (if needed), an account ID, and an account

password in step 124. The information packet may also contain a default action list specifying what actions should be taken with respect to the images, an advertisement for display on the camera, and the URL of the entity-specific website 22.

...

Referring again to FIG. 4B, after the user selects one or more actions from the action list 48, **the camera begins to upload the images along with the selected actions in step 132 and displays a progress bar on the screen in step 134**. In one preferred embodiment, the camera may also display the advertisement sent in the information packet from the gateway server 18. The advertisement may advertise the controlling entity 12, the entity's photo-sharing site 22, or the photo sharing service 16. After all the images are uploaded and associated with the user's account 40, the camera breaks the connection with the gateway server in step 136. At this point, the camera 14 may also display the URL of the entity-specific website 22 to the user.

(Anderson, Column 9, line 50 to Column 11, line 6, Emphasis Added)

Therefore, as explicitly recited by Anderson, prior to the uploading of images, Anderson describes verifying and/or setting up a user account with the photo sharing service, returning the account information back to the user (Anderson, Figures 4A-B, elements 106, 116-120, and 124-128). Then *only after* the account has been established, does Anderson describe uploading images (Anderson, Figure 4B, element 132). Thus, account information is created and verified by Anderson before images are uploaded to the photo sharing server. Therefore even if Anderson were to store images in the Gateway Server during the image upload process, Anderson would still fail to describe, "a buffered image storage module to temporarily store the digital images during uploading ... prior to associating the digital images with a particular cellular phone device" as claimed by the Applicants.

Applicants respectfully submit that Anderson fails to teach or suggest "a buffered image storage module to temporarily store the digital images during uploading prior to determining the

pre-provisioned user account associated with the unique device ID" as claimed by the Applicants

in claims 33-36 and 41-49, and fails to anticipate claims 33-36 and 41-49 under 35 U.S.C. § 102

for at least the reasons discussed above. Thus, the Applicants respectfully request withdrawal of

the rejections.

     With respect to claims 54-57 and 59-60, the Applicants claim:

> An apparatus for automating activation of a user account associated with a user-operated device, comprising:
> a Web site to host user data transferred by the user-operated device;
> a transport mechanism to enable uploading of the user data from the user-operated device to a user account at the Web site, the user account being pre-provisioned for the user-operated device;
> a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID of the transport mechanism, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site;
> an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device; and
> a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID.

As noted above, Anderson fails to teach the Gateway server temporarily storing digital pictures

while a user account is created or verified (Anderson, Figure 2; Column 7, line 62 to Column 8,

line 4; Column 11, lines 20-27). After the Gateway of Anderson matches account information

within a database, Anderson teaches uploading digital photographs to a storage database

(Anderson, Figures 4A-4B). Thus Anderson fails to teach or suggest "a buffer to temporarily

store the user data prior to determining the user account associated with the unique device ID,"

as claimed by the Applicants in claims 54-57 and 59-60, and fails to anticipate claims 54-57 and

59-60.

     With respect to claims 61 and 62, the Applicants claim:

     A system to enable automatic provisioning of a new user account comprising:

> a receiving logic to receive data from a peripheral device, coupled to a digital camera, having a unique device ID, the data destined for storage on a repository on the system;
>
> an account management module to automatically establish a user account, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the peripheral device;
>
> a media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID;
>
> such that an account is automatically created for the owner of the peripheral device, without requiring the user to first set up a user account, or any additional information to be stored on the peripheral device; and
>
> a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password.

As discussed above, Anderson teaches uploading data to a database only after account information for a digital camera is received and verified (Anderson, Figures 4A-4B). Claim 61, as amended, recites in part "a media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID" (Emphasis Added). For reasons similar to those discussed above, because Anderson explicitly establishes and verifies user accounts before uploading images to a photosharing server, Anderson must fail to describe or suggest the "media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID" as claimed in claims 61 and 62. Therefore, claims 61 and 62 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 33-36, 41-49, 54-57 and 59-62 under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. 6,636,259).

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 63-71 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Yeh (U.S. 6,993,497).

Yeh describes systems and methods for an over the internet telephone reminder service (Yeh, Abstract). A user must log onto a web site and subscribe to the services of Yeh (Yeh, Column 4, lines 46-58). However, in all instances before a person can use the services described in Yeh, they must log into a website and proactively register for an account.

Claim 63 recites:

> A method facilitating uploading of user data from a user-operated device, the method comprising:
> receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;
> determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account;
> if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device; and
> upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.

The Examiner stated that Anderson fails to describe "upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account" (*See* Office Action, mailed January 23, 2007, page 14). However, the Examiner cited Yeh as teaching this limitation. In the passage cited by the Examiner, Yeh recites:

At step 120, a subscriber (<u>who has already subscribed by performing the steps of</u> <u>FIG. 3</u>) logs on to the addressable website corresponding to server 20, as previously described. At step 122, <u>the subscriber enters his or her username and</u> <u>password</u>. By entering the username and password, the system of the present invention can access the demographic data that was <u>previously entered</u> by the subscriber, as at step 102 of FIG. 3. This data is stored in database 22 and, as previously described, is utilized to customize marketing messages to be received by subscribers. Additionally, by entering his or her username and password, the subscriber is directed to his or her personal webpage, as was previously described in step 108 of FIG. 3. Once on the personal webpage, the subscriber selects the wake-up/reminder call function of the system, preferably by clicking a hypertext link that directs the subscriber to a user-interface like the one shown in FIG. 5.

(Emphasis Added)

As explicitly recited in Yeh in the passage above, prior to accessing a personal web page or accessing data on a web page, a person must have "already subscribed" (Yeh, Figures 3 and 4). Furthermore, only after a person has become a subscriber, is a phone number and/or website associated with that person such that the person may make requests for data (Yeh, Figure 3). As such, the required prior subscription recited in Yeh is exactly the opposite as "upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account," because the user login and password claimed by the Applicants is created "upon a first user request for data from the website," and not during a prior subscription to a web service. Thus, Yeh also fails to describe or suggest that "upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account" as claimed by the Applicants.

Applicants submit that Anderson and Yeh, alone or in combination fail to teach or suggest each and every limitation claimed in claim 63. Therefore, claim 63, and

associated dependent claims 64-71, are not rendered obvious by Anderson in view of Yeh.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 63-71

under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Yeh (U.S.

6,993,497).

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.